

Saturday, February 5, 2000

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RECEIVED

FEB 10 2000

Re: Public Comment on the DOE Draft EIS  
for the DOE Proposed Nuclear Waste Dump  
on Western Shoshone Land at Yucca Mountain

To Whom It May Concern,

*That would be all of us, would it not ?* All of us on this precious, living Mother Earth. . . all of the Peoples, the animals, the plants, the water, the air. Most especially, the Indigenous People and their Ancestors from whom this land was *stolen*, desicrated and contaminated, leaving an uncertain future for generations and generations to inherit.

Having read your Draft EIS, I request that these comments be made a part of the official record.

Item 1. NEPA/Draft EIS-The Scope and the Process-S.I:

Discussion of your Draft EIS:

1 In my comments, I will refer to the DOE Draft EIS as "your" Draft to clarify that I hold the authors of this document accountable to all of us living now, to the Ancestors, and to future generations, for the personal decisions they are making to work on this project and for the recommendations they are individually and collectively making to support the DOE "Proposed Action".

2... As an Architect, I'm frequently involved in the review or creation of an EIS, and have come to believe that the *process itself* is vulnerable to manipulation because it allows the lead agency, in this case the DOE, to write the EIS, conduct the public meetings, to create, summarize and shape the "scientific data" and spin public input to reach predetermined outcomes, such as your DOE "Proposed Action". This is like allowing the fox to guard the chicken coop.

As a taxpayer, I protest the use of our collective public money being used to fund this EIS which leaves primary stakeholders, such as the local Indigenous Peoples, with no representation on the EIS staff, or direct involvement in the scoping of the study or creation of possible alternatives to the DOE proposal to store nuclear waste on their traditional homelands.

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2 Because DOE shapes the study, we the public won't see information included in the EIS that would not support the DOE Proposed Action. For example, why don't the Figures such as S-21 realistically illustrate both the predicted spills during handling and transport, as well as the likely contamination of the groundwater, the downstream distribution and effects through animal, plant and human uptake ? The Figures and the text are sanitized to present a picture of optimal project management which even your statistical models cannot support.

3 Your DOE Draft EIS was designed for the *appearance* of fair public input and comment, but offers face to face meetings limited to the Yucca Mountain region only, or by written comment. *Given the global importance of this decision, public meetings must be held nationwide.*

4 By process design, the burden to review and question the DOE Draft EIS falls to individuals and organizations often comprised of interested volunteers who lack legal representation, science consultants, or funding to analyze DOE studies and offer their own preferred alternatives—a point that your Section S.4.1.14-Environmental Justice, fails to reflect.

Individuals and organizations who take time away from families and work to review and comment on the Draft EIS (as opposed to staff who are *paid* to produce this EIS), have no way of knowing how their comments are weighted against scientific, economic or political interests, or if their concerns are even incorporated into the EIS scoping, draft, final and recommended decision.

5 The DOE Draft EIS fails to protect our Mother Earth by excluding information which describes the place occupied *on the chain of continuing production and use of nuclear materials which this proposed facility will only stimulate.*

6... Action Required-EIS Process Design and Scoping:

1. *Public meetings must be held nationwide prior to issuance of a 2nd Draft EIS created through national scoping.*
2. *DOE funding for an "Alternative Options and Recommendations " study must be included in the next round of the Draft EIS. Stakeholders from the local Indigenous Tribes, environmentalists, and anti-nuclear activists, as well as representatives from the communities along the proposed transport routes must be included in creating the Alternative Options and Recommendations study.*
3. *The revised Draft EIS needs to determine to what extent the creation of a national repository will directly stimulate the continued mining of uranium, production, handling and*

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*transport of lethally toxic and unstable materials, the research, development, testing and use of nuclear energy for weapons of mass destruction, and for the production of domestic energy. How many more metric tons of replacement nuclear material will this national repository inspire to be created ?*

4. *The revised DOE Draft EIS must compare costs for the DOE Proposed Action which includes the continued mining, production, use and storage it will stimulate vs. the complete termination of production and use of nuclear materials and their replacement in the production of domestic energy by alternative methods such as solar and wind generated power.*

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Item 2, Land Ownership/Ruby Valley Treaty-S.4.1.1:

*Discussion of your Draft:*

United States Government ownership of the land is disputed not only by the local Indigenous People who are descendants of the signators of the Ruby Valley Treaty, by Tribal Organizations and by Native Americans throughout the United States, but it is *also disputed* by a diverse cross section of non-Native citizens in the U.S. and throughout the world who believe that this land was never ceded by Treaty, irrespective of payments later made by the U.S. Indian Claims Commission and which were never accepted by the Tribes.

*Your presumed title to this land is clouded* As an Architect, my clients are *never* allowed to build without clear title to any land. *Why should your proposal be any different ?*

You can craft rules suited to support your predetermined outcomes, and you can even "characterize" Yucca Mountain to persuade people that your "data" accurately describes the "existing environment", and you may even believe what you've written, but your proposal does not honor the lives of those displaced Indigenous Peoples, those miners and their families exposed to radioactive dust and tailings polluting their drinking water, the suffering downwinders, those at ground zero, those at the Nevada Test Site, Hiroshima and Nagasaki, the workers in Hanford, the Idaho National Engineering and Environmental Laboratory, Chernobyl, those who died with munitions containing depleted uranium, and those human beings who you have reduced to statistics in your "Risk Assessment Studies" who will suffer exposure from handling and accidents along the proposed transport routes, or by drinking the surface water or groundwater from the aquifers migrating through Yucca Mountain.

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Action Required-Land Ownership:

1. *The Western Shoshone and other local Indigenous Tribal Councils must be directly involved in discussions on Land Ownership, Proposed Actions, Alternative Options, and most importantly in discussions of site clean-up and repatriation of land at Yucca Mountain including the Proposed Action site, Area 51 and Nellis Air Force Range.*

Item 3. Cultural Resources-S.4.1.6:Discussion of your Draft:

The Draft EIS includes only three paragraphs summarizing the longstanding residential and nomadic presence, *and continuing stewardship*, of the Indigenous Peoples in the Yucca Mountain region.

The (patronizing) language used in the Draft, "... DOE recognizes that Native Americans have concerns about protecting traditions and the spiritual integrity of the land in the Yucca Mountain region, and that these concerns extend to the propriety of the Proposed Action..."; coupled with the way in which the Draft EIS speedily dispatches the question of Land Ownership, reveals that the DOE disproportionally weighs the views of the Indigenous residents compared against the dominant economic and political pressures which shape a preselected outcome which in turn shapes the EIS as a tool towards those ends *despite* fundamental questions about land ownership, stewardship, environmental justice and the desecration of cultural resources, not to mention the incomplete range of scientific studies on which the site characterization and DOE Proposed Action are based.

Action Required-Cultural Resources:

1. *The wealth of cultural resources, the persistent presence of the Indigenous Peoples at and around Yucca Mountain, and the Ruby Valley Treaty confirm true title and stewardship of the land. The revised EIS must include an Alternative Proposed Action which includes clean-up of the entire Nellis Air Force Range by DOE and repatriation of the land and cultural resources to the Indigenous People of the region.*
2. *The revised EIS should respect and protect the primacy of the traditional uses of this land by the Indigenous inhabitants of the area and the cultural resources they have left with equal standing as compared to existing churches, temples, graves and sacred sites belonging to non-Native Peoples and religious traditions.*

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Item 4. Environmental Justice S.4.1.14

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Discussion of Your Draft:

How can the DOE "believe that there would be no disproportionately high and adverse impacts to minority or low-income populations as a result of the Proposed Action", and at the same time propose shipments of nuclear waste through both the Moapa and Las Vegas Paiute Indian Reservations ?

If the plans for containment of nuclear waste are as failproof as your Draft maintains, then why not build repositories in the back yards of the 72 Corporate nuclear waste donors and the 5 DOE nuclear waste/weapons Site Directors ?

Action Required-Environmental Justice:

1. The revised Draft EIS must further explore the No Action scenarios that offer alternative options to a centralized repository, and which also insure Corporate participation in clean-up for commercial sites. Corporate profits-not consumer rate hikes, must pay for clean-up and long-term storage at commercial sites.

2. The revised Draft EIS must provide a National Exit Strategy from the mining, production, research, testing and use of nuclear materials.

In closing, I include a current editorial from our local paper which is critical of the DOE role in the cleanup of our local nuclear reservation at Hanford, Washington along the once beautiful Columbia River. The editorial assumes that the DOE Proposed Action in Yucca Mountain is a done deal. Where did they get that Impression ?

I wish that I could spend more time in commenting on your DOE Draft EIS, and hope that the DOE will acknowledge that every *one* written comment they receive opposing the DOE Proposed Action represents *many* unheard voices of affected people, the animals and plants, the air and the water-all the voices of our common home, all the voices of our future.

For the sake of all living things on Mother Earth, end the madness of nuclear waste by linking the design and construction of nuclear waste repositories with a National moritorium on the production and use of nuclear energy.

For all our relations !

Art Petersen

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